

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DREMEL L. ROBERTS, #140479	§	
VS.	§	CIVIL ACTION NO. 2:14cv933
MARK DEWS, et al	§	

**MEMORANDUM OPINION ADOPTING REPORT
AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Dremel L. Roberts, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit under 42 U.S.C. § 1983. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff sued Deputy Mark Dews in this lawsuit, which stemmed from a police chase and traffic stop on Interstate 20 in the Eastern District of Texas. Plaintiff complained of violations of the 8th and 14th Amendments. Plaintiff claims Deputy Dews used “deadly force” as part of a “shoot to kill” policy in order to force him to stop his vehicle during the extended chase. Plaintiff further claimed Deputy Dews scraped his arm as he removed Plaintiff from the stolen vehicle.

The Magistrate Judge issued a Report finding that, based on the summary judgment evidence, the totality of the circumstances clearly show that Dews’ actions were justified under established law and were objectively reasonable. The R & R further found that, as such, Dews possesses qualified immunity and summary judgment is proper as a matter of law. The R & R recommended that the motion for summary

judgment be granted, and that the case should be dismissed with prejudice.

A copy of this Report was sent to Plaintiff. No objections have been received by either party. The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918(1989). It is accordingly

ORDERED that the Report and Recommendation of the Magistrate Judge (docket entry # 38) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-entitled and numbered cause of action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 27th day of September, 2016.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE